

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-3, 5 and 7-11 remain in the application. Claims 1-3, 5 and 9-11 are subject to examination and claims 7 and 8 have been withdrawn from examination. Claims 1-3 and 8-11 have been amended. Claims 4 and 6 were previously canceled.

In "Claim Objections", item 2 on pages 2-3 of the above-identified Office Action, the Examiner objected to claims 1-3, 5, 7 and 9-11 because of informalities in claims 1 and 9-11. The Examiner's suggested corrections are appreciated and have been made, except where further amendments to the claims required slight modifications.

In "Claim Rejections - 35 USC § 112", item 3 on page 3 of the above-identified Office Action, claim 11 has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph. The Examiner's suggested corrections are appreciated and have been made.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither

provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In "Claim Rejections - 35 USC § 102", item 5 on page 4 of the Office Action, claims 1, 5 and 9 have been rejected as being fully anticipated by U.S. Patent No. 1,499,106 to Halliwell under 35 U.S.C. § 102(b).

In "Claim Rejections - 35 USC § 102", item 6 on page 4 of the Office Action, claim 11 has been rejected as being fully anticipated by U.S. Patent No. 3,477,709 to Neal et al. (hereinafter Neal) under 35 U.S.C. § 102(b).

The rejections have been noted and claims 1, 8, 9 and 11 have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on page 11, lines 15-19 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Independent claims 1, 9 and 11 each call for, *inter alia*, a variable length cutting device, comprising:

a dancer roller for compensating for variations in length of the ribbon.

Independent but withdrawn claim 8 also calls for, *inter alia*, a variable length cutoff folder, comprising:

a dancer roller for compensating for variations in length of the ribbon.

The Halliwell reference discloses a folding cylinder having blocks 19, 20, 31, 32 referred to by the Examiner as adjustable diameter portions. The Neal reference relates to a folding cylinder having adjustable band construction. The device has an adjustable band 11 referred to by the Examiner as an adjustable diameter portion.

The radially movable diameter portions of the prior art folders, that is the blocks 19, 20, 31, 32 of Halliwell and the adjustable band 11 of Neal, serve only to take up variations in thickness of the signatures.

However, neither of the references show a dancer roller for compensating for variations in length of the ribbon, as recited in independent claims 1, 8, 9 and 11 of the instant application. This is required in order to take up changes in the radial and longitudinal movement of the ribbon while it

winds around the non-circular surface of the transfer cylinder before cutting.

As mentioned above, page 11, lines 15-19 describe the dancer roller 2 which is shown in the figures of the instant application. As stated therein, the dancer roller 2 compensates for variations in the ribbon length such as variations caused by adjusting the effective diameter of the transfer cylinder 4.

Clearly, neither Halliwell nor Neal show or suggest a dancer roller for compensating for variations in length of the ribbon, as recited in claims 1, 8, 9 and 11 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 8, 9 and 11. Claims 1, 8, 9 and 11 are, therefore, believed to be patentable over the art. Claim 5 is believed to be patentable as well because it is dependent on claim 1.

Applicants appreciatively acknowledge the Examiner's statement in item 7 on page 4 of the Office Action that claim 10 is allowable over the art.

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Applicants also appreciatively acknowledge the Examiner's statement in item 8 on page 4 of the Office Action that claims 2 and 3 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claims 2 and 3 have been amended by adding the subject matter of claim 1 thereto.

Rejoinder of withdrawn claims 7 and 8 is solicited. Claim 7 is dependent on claim 1 and the new limitation of a dancer roller has been added to claim 8.

In view of the foregoing, reconsideration and allowance of claims 1-3, 5 and 7-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Payment in the amount of \$400.00 for two additional independent claims in excess of three, is enclosed.

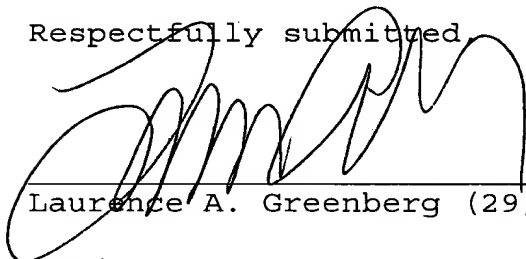
Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section

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1.136(a) in the amount of \$120.00 in accordance with Section  
1.17 is enclosed herewith.

Please charge any other fees that might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
and Greenberg, P.A., No. 12-1099.

Respectfully submitted

  
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LAG/bb

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